

# Case: Spencer Norman, et al v. Camden County, et al

Transcript of Sheriff Dwight Franklin

**Date:** October 10, 2013

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**EXHIBIT**

tabbles

11

18

1 you did more than just -- than just traffic and  
2 accidents, right?  
3 A Yes, yes. I was in marijuana eradication.  
4 We did a lot of things. I was on the SWAT team,  
5 sniper on the SWAT team. It's just many areas that  
6 you covered over the career.  
7 Q And the area that you would -- you would  
8 patrol, that changed throughout the years?  
9 A It was -- it was basically Camden and  
10 Miller County for the majority of my career around  
11 the Lake. Then I went to Versailles and worked  
12 Morgan and Moniteau County there.  
13 Q Sheriff, have you reviewed the actions of  
14 the deputies involved in this incident?  
15 A Yes.  
16 Q Okay. Have you reviewed the force used?  
17 A Yes.  
18 Q Did any of the deputies involved in this  
19 incident violate any policies of Camden County?  
20 A No.  
21 Q Did any of the deputies involved in this  
22 incident violate any rules of Camden County?  
23 A I'm not sure I understand what rules.  
24 What -- what do you mean by rules?  
25 Q Does Camden County have any rules?

19

1 MR. HENSON: Policies.  
2 A Policy, policies.  
3 Q (By Mr. Carnie) Yeah, sure, sure. Does --  
4 well, let's start out a little more basic. Camden  
5 County has some policies, right?  
6 A Yes.  
7 Q Are those written policies?  
8 A Yes.  
9 Q And you have a policy manual for the  
10 Sheriff's Office, correct?  
11 A Yes.  
12 Q Are there rules included in that policy  
13 manual?  
14 A Yes, yes.  
15 Q Okay. Did -- did any of the deputies  
16 involved in this incident violate any of those  
17 rules?  
18 A No.  
19 Q Are there also any procedures in that  
20 policy manual?  
21 A Yes.  
22 Q Did any of the deputies involved in this  
23 incident violate any of the procedures that you have  
24 for Camden County?  
25 A No.

20

1 Q Okay. Are you critical of anything any of  
2 the deputies did?  
3 A No.  
4 Q Were any of the deputies involved in the  
5 incident disciplined in any way?  
6 A No.  
7 Q Now, are you -- you're aware that Deputy  
8 Watson put her knee in-between Mr. Norman's shoulder  
9 blades while Mr. Norman was prone on the ground  
10 being handcuffed, correct?  
11 A Yes.  
12 Q Is that consistent with the training  
13 Camden County provided -- provides to Deputy --  
14 provided to Deputy Watson?  
15 A That was consistent with the training she  
16 had at the academy, yes.  
17 Q Okay. And is that also consistent with  
18 training that Deputy Watson received while she was a  
19 Camden County Deputy?  
20 A Yes.  
21 Q Is that handcuffing technique that she was  
22 using consistent with Camden County's policies?  
23 A Yes.  
24 Q Okay. Sheriff, you're aware that she kept  
25 the knee in-between the shoulder blades after he was

21

1 handcuffed in a prone position until he calmed down  
2 and stopped struggling, correct?  
3 A Yes.  
4 Q Now, is that consistent with the training  
5 Camden County provided to Deputy Watson?  
6 A Yes.  
7 Q Is that consistent with Camden County's  
8 policies?  
9 A Yes.  
10 Q Do you believe that it is an appropriate  
11 use of force to kneel on a citizen's back while the  
12 citizen is handcuffed in a prone position on the  
13 ground?  
14 A For the officer's safety and the  
15 individual's safety, yes.  
16 Q Sheriff, do you have any criticism about  
17 Sergeant Fiene's use of the taser in this incident?  
18 A No.  
19 Q Was his use of the taser consistent with  
20 the training provided by Camden County?  
21 A Yes.  
22 Q Was the use of his taser consistent with  
23 Camden County's policies?  
24 A Yes.  
25 Q Sheriff, I want to talk to you a little

6 (Pages 18 to 21)

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1 Q Got it.

2 A He'll write the report as whatever,

3 whatever it actually is. And that's what's --

4 Q So -- gotcha. So the report might be

5 different, but this -- you called it the cad, right?

6 A Yeah, the gathering information when the

7 initial call comes in. It's the system that's used,

8 used by a lot of sheriff's departments and police

9 departments.

10 Q In page 1 of -- I'm sorry. So page 1 of

11 Exhibit 5 is simply what the dispatcher categorized

12 the call as?

13 A Basically, yes. That's my understanding.

14 Q It would -- it would not reflect any

15 changes to what the call might -- actually might

16 have been based on what the officers saw when they

17 got there?

18 A Yes, that's correct.

19 Q Okay. And in any event, it appears -- you

20 see the EDP column on Exhibit 5, page 1?

21 A Yes.

22 Q Can you tell me how many EDP calls Camden

23 County dispatched to from October 9th, 2008 through

24 October 9th, 2013?

25 A It would be 1,173.

27

1 Q And then the second number there, what

2 does that number represent?

3 A It designates the calls that the Camden

4 County Sheriff's Office actually worked.

5 Q Okay. And so if the Camden County

6 Sheriff's Department actually worked 821 of them,

7 like it says here, who worked the other ones?

8 A It -- they -- it could be broke down. The

9 fire departments may have arrived on the scene and

10 called the ambulance. It could be the City of

11 Camden County -- or City of Camdenton. And that's

12 how it's broke down.

13 Q Okay.

14 A We've got two fire departments we dispatch

15 for, the City of Camdenton, and then us.

16 Q Okay. So sometimes when it's an EDP call,

17 the Camden County Sheriff's Office doesn't go to

18 that call?

19 A Sometimes we don't, no.

20 Q Sometimes it's an ambulance?

21 A Yes, or fire department.

22 Q Sometimes it's the fire department?

23 A Yes.

24 Q And sometimes it might be the City of

25 Camdenton Police Department?

28

1 A Within the city, yes.

2 Q And I -- does the dispatcher determine who

3 the dispatcher wants to send to the scene?

4 A Well, I think you're asking -- when the

5 call comes in and they ask for the fire department,

6 they we'll send the fire department. If it's within

7 the City of Camdenton they'll send the city

8 officers. If it's out in the county, one of our

9 officers will respond. They may also -- they may

10 also send the fire department to respond on

11 occasion, so --

12 Q Okay. So it's based on what the caller is

13 saying?

14 A Is requesting, yes.

15 Q Is requesting. It's based on what the

16 caller is requesting and where the incident is

17 located?

18 A Yes.

19 Q Now, from October 9th, 2010 through

20 October 9th, 2011, how many EDP calls were there in

21 Camden County?

22 A It indicates 234.

23 Q And how many of those did Camden County

24 deputies respond to?

25 A 180.

29

1 Q Sheriff, what is an EDP?

2 A Someone that's not acting normal due to

3 whatever reason he may be experiencing.

4 Q Okay. And what does EDP stand for?

5 A Emotionally disturbed person.

6 Q And does that include mentally ill people?

7 A It could, yes.

8 Q Could include people on drugs?

9 A Yes.

10 Q Could include people who are extremely

11 intoxicated?

12 A Yes.

13 Q Do you agree that Camden County deputies

14 frequently respond to calls involving emotionally

15 disturbed persons?

16 A Yes.

17 Q And that's not a new thing, is it?

18 A No. No.

19 Q You guys have -- at least in the past five

20 years, it looks like you've consistently and

21 frequently responded to calls involving emotionally

22 disturbed persons. Is that fair?

23 A Yes.

24 Q Sheriff, I'd like to talk to you a little

25 bit about training, okay?

8 (Pages 26 to 29)

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1 that they are trained to handle those situations and  
2 do and have.  
3 Q And, Sheriff, do you think that's a good  
4 thing that they're trained to prevent in-custody  
5 deaths?  
6 A I think they are trained to handle  
7 in-custody death. Or any -- any -- any arrest,  
8 they're trained in a manner consistent, whether  
9 you're a -- whatever.  
10 Q Okay. And do you think that it is  
11 important for them to receive training to prevent  
12 in-custody deaths?  
13 A They are trained, so I guess it is  
14 important.  
15 Q And that's all I'm asking you. They are  
16 trained, so -- you believe they are trained to  
17 prevent in-custody deaths, correct?  
18 A They are trained to handle individuals,  
19 whether -- whatever category you want to put them  
20 in, in a certain manner to ensure that their civil  
21 rights are not violated and they're protected and  
22 the officers are protected, yes.  
23 Q And so you agree that they should be  
24 trained in that manner to prevent in-custody deaths?  
25 A I'm saying that they are trained in that

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1 manner to --  
2 Q I -- I get what you're saying, and I'm not  
3 arguing with you whatsoever. Sheriff, you make  
4 decisions about what kind of training officers  
5 receive, right?  
6 A Yes.  
7 Q Okay. You make decisions whether or not  
8 they receive training?  
9 A Yes.  
10 Q Do you think -- is that right?  
11 A Yes.  
12 Q Do you think that they should receive that  
13 kind of training to prevent in-custody deaths?  
14 A And I'm saying they are.  
15 MR. HENSON: And so the answer is yes?  
16 A Yes, the answer is yes.  
17 Q (By Mr. Carnie) Okay. And I'm not -- I'm  
18 not trying to be difficult, but I just have to make  
19 a record and get the answer to my question. I  
20 understand what you're saying. So let's clear it  
21 up. Should Camden County deputies be trained to  
22 prevent in-custody deaths?  
23 MR. HENSON: And I'll object again to the  
24 extent that's vague and ambiguous as to what you  
25 mean, but go ahead.

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1 A And I'm saying that they are trained. And  
2 yes, I do feel like they should be continued to be  
3 trained.  
4 Q (By Mr. Carnie) Thank you. Now, should  
5 Camden County deputies receive training about how to  
6 identify emotionally disturbed persons?  
7 A Yes.  
8 Q Should Camden County deputies receive  
9 training about how to deal with emotionally  
10 disturbed persons?  
11 A They deal with them currently.  
12 MR. HENSON: He said should they receive  
13 training?  
14 A Training?  
15 Q (By Mr. Carnie) Yes.  
16 A Yes.  
17 Q Yeah, yeah, I understand. So should --  
18 should Camden County deputies receive training about  
19 how to deal with emotionally disturbed persons?  
20 A Yes.  
21 Q Should Camden County deputies receive  
22 training about how to safely apprehend an  
23 emotionally disturbed person?  
24 A Yes.  
25 Q Should Camden County deputies receive

45

1 training about positional asphyxia?  
2 A Yes.  
3 Q Should Camden County deputies receive  
4 training about compression asphyxia?  
5 A Yes.  
6 Q And now I think we're going to get to the  
7 question that you wanted to answer. Does Camden  
8 County provide any training to deputies about  
9 preventing in-custody deaths?  
10 A In their training they are taught how to  
11 handcuff and take people into custody for their  
12 safety and the officer's safety. They don't leave  
13 them prone. They lay them down or stand them up.  
14 Yes, there is training. They are trained. You hand  
15 handle each one basically the same way. You've  
16 got -- you've got to get them in custody first and  
17 then deal with whatever else is going on after that.  
18 Q Okay. And what classes are those -- are  
19 those techniques taught?  
20 A I believe in the academy. I don't know  
21 for a fact. But in the academy they do attend, I  
22 think they have handcuffing and those procedures.  
23 Q Are these techniques that would be taught  
24 in the PPCT class?  
25 A Yes.

12 (Pages 42 to 45)

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1 Q Now, in that PPCT class, do they teach  
2 anything about putting pressure on a suspect's back?  
3 A I've never attended the PPCT class. I  
4 don't know. I assume they do. I assume that they  
5 do.  
6 Q So, Sheriff, what is your basis for  
7 telling me today that the deputies receive training  
8 about preventing in-custody deaths?  
9 A That they're trained to handle individuals  
10 in a manner that will, not only for their  
11 protection, the deputies, but the individual's  
12 protection. When they handcuff, the first priority  
13 is to get the situation under control. Once that is  
14 done, they look for the safety of the one they've  
15 arrested and make sure that everything's fine with  
16 them.  
17 Q Okay. And are you familiar with the  
18 content of any of the training programs that the  
19 deputies involved in this incident went to?  
20 A No. Most of it -- most of it's prior to  
21 my tenure.  
22 Q And so that's why I'm kind of asking you  
23 what your basis is for saying that they got training  
24 on preventing in-custody deaths if you don't know  
25 the content of the training they received.

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1 A It's basic training.  
2 Q So these are basic concepts that you  
3 believe they would have learned about?  
4 A Yes.  
5 Q But you can't point to any specific class  
6 or training materials to support that?  
7 A No, I can't.  
8 Q Does Camden County provide any training to  
9 deputies about identifying emotionally disturbed  
10 persons?  
11 A I'm not aware of any, no.  
12 Q Does Camden County provide any training  
13 about dealing with emotionally disturbed persons?  
14 A No.  
15 Q Does Camden County provide any training  
16 about safely restraining emotionally disturbed  
17 persons?  
18 A Not aware of any, no.  
19 Q Does Camden County provide any training on  
20 taking an emotionally disturbed person into custody?  
21 A That would be no different than anyone  
22 into custody. It's the same -- it's the same  
23 procedure when we -- when we take someone into  
24 custody, whether they are emotionally disturbed or  
25 intoxicated or drugged or whatever the case may be.

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1 Q Okay. So the same training to deal with  
2 an ordinary citizen is used to deal with an  
3 emotionally disturbed person?  
4 A Basically, yes. Most of the time a  
5 citizen will follow your commands and do what they  
6 are told. That's the difference. Generally you  
7 don't have to go hands-on with someone. They follow  
8 your directions.  
9 Q Okay. But in any event, the same -- the  
10 same procedures are used by Camden County to deal  
11 with an emotionally disturbed person or a regular  
12 citizen?  
13 A Yes.  
14 Q Does Camden County have any training  
15 provided to it -- does Camden County provide any  
16 training to its deputies about monitoring  
17 emotionally disturbed persons?  
18 A That's in the basic training where they --  
19 once they handcuff somebody, if they -- if they go  
20 hands-on and have to lay them down, keep them --  
21 stand them up or lay them down and monitor their --  
22 Q So the same type of training for ordinary  
23 calls, ordinary citizens, applies to handling  
24 emotionally disturbed persons?  
25 A Yes.

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1 Q So no specific class about how to monitor  
2 an emotionally disturbed person differently?  
3 A No. Monitoring is monitoring.  
4 Q Does Camden County have any training  
5 specific to emotionally disturbed persons about what  
6 to do with them once they're in custody?  
7 A Other than their normal training, no.  
8 Q Does Camden County provide any training to  
9 its deputies about compression asphyxia?  
10 A No.  
11 Q Does Camden County provide any training to  
12 its deputies about positional asphyxia?  
13 A No.  
14 Q Does Camden County provide any training to  
15 its deputies about putting weight on a suspect's  
16 back?  
17 A I think that's part of the handcuffing  
18 technique.  
19 Q Okay. And what do they teach in that  
20 technique?  
21 A To restrain the -- while you're  
22 handcuffing, to restrain the individual for your  
23 protection and his protection until you get the  
24 situation under control, it's allowed to put your  
25 knee in their back or on their shoulder or on the

13 (Pages 46 to 49)

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1 back of their neck while you're handcuffing.  
 2 Q Okay. So the training technique taught by  
 3 Camden County is that you're allowed to put your  
 4 knee in the suspect's back while you're handcuffing  
 5 him, correct?  
 6 A That's the training that I'm familiar  
 7 with, yes.  
 8 Q Okay. And that's the -- that's the  
 9 training the deputies receive in Camden County,  
 10 right?  
 11 A I believe, yes.  
 12 Q And also in that -- I'm sorry, did  
 13 somebody say something?  
 14 A No.  
 15 MR. HENSON: No.  
 16 Q (By Mr. Carnie) Okay. And also in that  
 17 training, Sheriff, is it taught that you're allowed  
 18 to keep your knee between the citizen's back or on  
 19 the citizen's back after they are handcuffed?  
 20 A If -- if they're still fighting and  
 21 showing signs that they're not cooperating, to  
 22 prevent them from hurting themselves or kicking the  
 23 deputy's feet out from under them, yes.  
 24 Q Okay. So they are allowed to keep the  
 25 knee in the back after the person is handcuffed and

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1 prone on the ground?  
 2 A If they're still fighting and -- to ensure  
 3 that there's no injuries, yes.  
 4 Q Does Camden County provide any training  
 5 about whether or not it's okay to put a suspect in a  
 6 prone position?  
 7 A I think that's part of the general  
 8 handcuffing. You don't -- you don't leave somebody  
 9 sitting in a prone position.  
 10 Q Okay. So the training is that you don't  
 11 leave somebody in that position, correct?  
 12 A Yes. You either stand them up or lay them  
 13 down on their side, yes.  
 14 Q But it's okay to handcuff them in a prone  
 15 position, correct?  
 16 A If they're a felon and you have to make  
 17 the -- effect the arrest, yes. You have to effect  
 18 the arrest by whatever means you have to.  
 19 Q Does Camden County provide any training to  
 20 its deputies about how to provided medical treatment  
 21 to citizens?  
 22 A Other than CPR, I don't think there's any  
 23 basic first aid, no.  
 24 Q Okay. And does Camden County provide any  
 25 training about when to call an ambulance to the

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1 scene?  
 2 A That's part of the overall discretion of  
 3 the officer when he's at the scene. If he needs an  
 4 ambulance it's up to him to contact Dispatch and  
 5 have an ambulance sent or fire department or wrecker  
 6 or any numerous things. That's his discretion on  
 7 the scene.  
 8 Q Okay. So there isn't any specific  
 9 training about when to do that?  
 10 A No.  
 11 Q And I assume the same would be true about  
 12 emotionally disturbed persons, there's no specific  
 13 training about when to call an ambulance to the  
 14 scene when you're dealing with an emotionally  
 15 disturbed person, correct?  
 16 A Well --  
 17 MR. HENSON: Training.  
 18 A Training, no.  
 19 MR. HENSON: When you get to a good spot,  
 20 Tim, we've been going about an hour.  
 21 MR. CARNIE: Yeah, let's take a break.  
 22 MR. HENSON: Okay.  
 23 VIDEOGRAPHER: This will end disk number  
 24 one in the deposition of Sheriff Dwight Franklin.  
 25 We're off the record at 11:02 a.m.

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1 (Off the record.)  
 2 VIDEOGRAPHER: We're back on the record at  
 3 11:11 a.m. This begins disk number two in the  
 4 deposition of Sheriff Dwight Franklin. Please  
 5 continue.  
 6 Q (By Mr. Carnie) Sheriff, is the PPCT  
 7 training class, is that one that Camden County  
 8 teaches in-house?  
 9 A Yes.  
 10 Q And that's the handcuffing training class?  
 11 A I think that's part of it, yes. It's  
 12 all-inclusive.  
 13 Q Okay. And that's the class that teaches  
 14 the technique where you put the knee in the back  
 15 while you're handcuffing?  
 16 A I'm -- it could be, yes.  
 17 Q Sheriff, who's responsible for creating  
 18 the policies for the sheriff's department?  
 19 A I am.  
 20 Q Since you took office, did you revise any  
 21 of the policies?  
 22 A Yes.  
 23 Q Which ones?  
 24 A I'm not familiar with a lot of them. I  
 25 know we did the use of force and some of the uniform

14 (Pages 50 to 53)

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1 disturbed persons who suddenly go unconscious?

2 A No.

3 Q Could you please turn to Plaintiffs'

4 Exhibit 4? Now, Sheriff, like the other two

5 documents, this is a document we received from you

6 on a CD labeled Camden County 871. And this is

7 Bates stamped Camden 871-081 through Camden 871-088.

8 Is that correct?

9 A Yes.

10 Q And have you ever seen this document

11 before?

12 A No.

13 Q Do you know what this document is?

14 A No.

15 Q Can you tell looking at it right now what

16 it is?

17 A The bullet point says, unexpected death

18 related to restraint for excited delirium.

19 Q Does it look like some kind of a journal,

20 scientific article, or something like that to you?

21 A Possible, yes.

22 Q Okay. And in the middle, it looks like

23 there's a title to this, to this study. Or

24 actually, up at the top, you see where it says

25 title?

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1 MR. HENSON: Top of the first page.

2 A I see from, sent, to, subject. Title,

3 yes.

4 Q (By Mr. Carnie) And what is the title of

5 this study?

6 A Unexpected Death Related to Restraint for

7 Excited Delirium.

8 Q And what's the rest of it?

9 A A Retrospective Study of Deaths in Police

10 Custody and in the Community.

11 Q And then down at the bottom of the page,

12 it has a section called results. Do you see that?

13 A Yes.

14 Q And what -- what does it say the results

15 of this study were?

16 A In all 21 cases of unexpected death

17 associated with excited delirium the deaths were

18 associated with restraint.

19 Q And does it go on any further?

20 A Yeah, I believe it goes on to the next

21 page, agitation and hyperactivity, with the person

22 either in a prone position or subjected to pressure

23 on the neck.

24 Q And then the next sentence says what?

25 A All of those who died had suddenly lapsed

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1 into tranquility shortly after being restrained.

2 Q Now if you'd turn to Camden 871-083. And

3 you see there's another results section here. Would

4 you mind reading that for us?

5 A Of the 21 people in whom unexpected death

6 was associated with excited delirium, 20,

7 95 percent, were men. The mean age was 33 years.

8 All of the deaths were associated with the restraint

9 either in the prone position or with pressure

10 applied to the neck. Eight of the 18 people who

11 were restrained in the prone position also suffered

12 chest compressions from the body weight of the one

13 to five people who were restraining them. You want

14 me to continue?

15 Q Just one more sentence. What does the

16 next sentence say?

17 A All 21 people had suddenly lapsed into

18 tranquility shortly after being restrained.

19 Q Now, Sheriff, prior to this morning, have

20 you ever seen a study like this?

21 A No.

22 Q Have you ever heard of any studies like

23 this?

24 A No.

25 Q Sheriff, do you agree that deputies should

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1 avoid doing anything that unnecessarily puts a

2 citizen's life in danger?

3 A The first and foremost is the safety of

4 the deputy engaged in whatever -- I think that's the

5 first. And he's going to have to do whatever he

6 needs to effect an arrest. So --

7 Q Okay. But you'd agree that a deputy

8 should not unnecessarily put a citizen's life in

9 danger?

10 A Unnecessarily, yes.

11 Q Now, Sheriff, do you agree that

12 emotionally disturbed persons need to be treated

13 differently than a regular citizen?

14 A No.

15 Q Sheriff, do you believe it is safe to

16 place a knee between a citizen's shoulder blades

17 after the person is handcuffed in a prone position

18 on the ground?

19 A If he's moving around and trying to get up

20 and elude an arrest, yes.

21 Q Is that something that you've directed the

22 deputies of Camden County to do?

23 A I haven't directed them to do that

24 specific --

25 Q Is that -- is that something you approve

19 (Pages 70 to 73)

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1 of though?

2 A To effect an arrest, a felon, to take a

3 felon into custody, yes, whatever means necessary to

4 effect the arrest, reasonable and objectively.

5 Q In your time in office, Sheriff, have

6 there been any other incidents where Camden County

7 deputies were alleged to have asphyxiated someone?

8 A No.

9 Q How about any incidents where the deputies

10 were alleged to have used excessive force?

11 A One incident in the jail.

12 Q Okay. And can you tell me a little bit

13 about that?

14 A We had an individual come in to bond his

15 wife out and became belligerent. He was

16 intoxicated. And the deputy took -- came out and

17 placed him under arrest and an altercation ensued.

18 He placed him under arrest, and he filed a formal

19 complaint against him for excessive force.

20 Q What kind of force was used in that

21 incident?

22 A Force necessary to effect the arrest.

23 They took him and handcuffed him and placed him

24 under arrest.

25 Q And as far as contact between the

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1 arresting officer and the citizen, what happened?

2 Was there punches thrown, were there --

3 A He resisted and the deputy placed him

4 under arrest and handcuffed him and processed him.

5 He was arrested for --

6 Q Was he --

7 A He was arrested for resisting arrest

8 and --

9 Q Okay. Was he -- go ahead.

10 A And that was -- that was it.

11 Q Go ahead, I'm sorry.

12 A That was it.

13 Q Okay. Was -- was the citizen injured

14 during that --

15 A No.

16 Q -- incident?

17 A No.

18 Q What was his complaint about the excessive

19 force?

20 A That he used excessive force.

21 Q In what manner?

22 A It wasn't specific that I recall what

23 manner it was. It was just excessive force.

24 Q And I'm just asking you if he -- if he

25 alleged that he was tased, if he alleged that he

76

1 was --

2 A No.

3 Q -- beat with the baton --

4 A No.

5 Q -- anything like that.

6 A No, no.

7 Q Okay. Sheriff, have you changed any of

8 the training requirements of Camden County since

9 this incident?

10 A No.

11 Q Have you implemented any new policies?

12 A No.

13 Q So deputies are still allowed to put a

14 knee in a citizen's back when the deputy is

15 handcuffing the citizen?

16 A To effect the arrest of a -- yes.

17 Q And deputies are still allowed to put a

18 knee in the citizen's back after the citizen is

19 handcuffed in a prone position on the ground?

20 A If he's trying to flee and resist, yes.

21 Q And are deputies allowed to keep a knee in

22 the citizen's back until the citizen stops

23 struggling and calms down?

24 A Yes.

25 Q And deputies are still allowed to treat

77

1 emotionally disturbed persons the same as any other

2 citizen, correct?

3 A To effect the arrest, yes.

4 MR. CARNIE: I don't have any further

5 questions for you, Sheriff. Thank you for your

6 time.

7 THE WITNESS: Thank you.

8 MR. HENSON: We will -- we have no

9 questions, and we will read and sign. So I'll ask

10 the court reporter just to send it to us and send me

11 the signature pages.

12 VIDEOGRAPHER: Can we go off the video

13 record?

14 MR. HENSON: Yes, we can go off the video

15 record.

16 VIDEOGRAPHER: Very good.

17 MR. HENSON: Kevin --

18 VIDEOGRAPHER: This will end the video

19 portion of Sheriff Dwight Franklin's deposition. We

20 are off the record at 11:45 a.m.

21 MR. HENSON: Kevin, as far as -- Kevin, as

22 far as this Exhibit No. -- I guess 5 that we

23 marked --

24 MR. CARNIE: Yeah.

25 MR. HENSON: -- I'm going to see if they

20 (Pages 74 to 77)

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<p>82</p> <p>1 Page Line Should Read: 2 Reason for change: 3 4 Page Line Should Read: 5 Reason for change: 6 7 Page Line Should Read: 8 Reason for change: 9 10 Page Line Should Read: 11 Reason for change: 12 13 Page Line Should Read: 14 Reason for change: 15 16 Page Line Should Read: 17 Reason for change: 18 19 Page Line Should Read: 20 Reason for change: 21 22 Page Line Should Read: 23 Reason for change: 24 25</p>	<p>84</p> <p>1 Comes now the witness, Sheriff Dwight Franklin, 2 and having read the foregoing transcript 3 of the deposition taken on 10/10/2013, 4 acknowledges by signature hereto that it is a 5 true and accurate transcript of the testimony given 6 on the date hereinabove mentioned. 7 8 9 10 Sheriff Dwight Franklin 11 12 Subscribed and sworn to me before this 13 day of _____, 20____. 14 My Commission expires 15 16 17 18 Notary Public 19 20 21 22 23 24 25</p>
<p>83</p> <p>1 Page Line Should Read: 2 Reason for change: 3 4 Page Line Should Read: 5 Reason for change: 6 7 Page Line Should Read: 8 Reason for change: 9 10 Page Line Should Read: 11 Reason for change: 12 13 Page Line Should Read: 14 Reason for change: 15 16 Page Line Should Read: 17 Reason for change: 18 19 Page Line Should Read: 20 Reason for change: 21 22 Page Line Should Read: 23 Reason for change: 24 25</p>	<p>85</p> <p>1 COURT MEMO 2 3 4 5 Spencer Norman, et al vs. Camden County, et al 6 7 8 CERTIFICATE OF OFFICER AND 9 STATEMENT OF DEPOSITION CHARGES 10 11 DEPOSITION OF Sheriff Dwight Franklin 12 13 10/10/2013 14 Name and address of person or firm having custody of 15 the original transcript: 16 17 The Simon Law Firm 18 800 Market St., Suite 1700 19 St. Louis, MO 63101 20 21 22 23 24 25</p>

22 (Pages 82 to 85)